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SENATE BILL 227

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Pete Campos

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC WORKS; ALLOWING CONTRACTORS TO BECOME
LICENSED CONTRACTORS AFTER THE AWARD OF A CONTRACT FOR PUBLIC
WORKS; REPEALING THE REQUIREMENT FOR THE BONDING OF
SUBCONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13-12 NMSA 1978 (being Laws 1967,
Chapter 199, Section 15, as amended) is amended to read:

"60-13-12. CONTRACTOR'S LICENSE REQUIRED.--

A. No person shall act as a contractor without a
license issued by the division classified to cover the type of
work to be undertaken.

B. Except as provided in Subsection C or D of this
section, no bid on a contract shall be submitted unless the
contractor has a valid license issued by the division to bid

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1 and perform the type of work to be undertaken; provided this
2 subsection shall not prohibit a licensed contractor from
3 bidding or contracting work involving the use of two or more
4 trades, crafts or classifications if the performance of the
5 work in the trades, crafts or classifications other than the
6 one in which ~~[he]~~ the contractor is licensed is incidental or
7 supplemental to the performance of the work in the trades,
8 crafts or classifications for which ~~[he]~~ the contractor is
9 licensed; and further provided that work coming under the
10 jurisdiction of the mechanical bureau or the electrical bureau
11 of the division ~~[must]~~ shall be performed by a contractor
12 licensed to perform that work.

13 C. ~~[Any]~~ A contractor may bid on a New Mexico
14 highway project involving the expenditure of federal funds
15 prior to making application to the division for a license. The
16 contractor, if ~~[he]~~ the contractor has not previously been
17 issued a license, shall upon becoming the apparent successful
18 bidder apply to the division for a license. The director shall
19 issue a license to the contractor in accordance with the
20 provisions of the Construction Industries Licensing Act.

21 D. An unlicensed contractor may bid on a public
22 works project if:

23 (1) the contractor is licensed by another
24 state to perform the type of work to be undertaken; and

25 (2) the contractor certifies that, if the bid

1 is accepted, the contractor will obtain a license from the
2 division before commencing any work on the project."

3 Section 2. REPEAL.--Section 13-1-148.1 NMSA 1978 (being
4 Laws 2005, Chapter 99, Section 1) is repealed.

5 Section 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2007."

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